

CANBY CITY COUNCIL
REGULAR SESSION
NOVEMBER 15, 1995

Mayor Scott Taylor presiding. Council members present: Dennis Nolder, Terry Prince, Cheryl Stark, Shirley Strong and Walt Daniels. Absent: Roger Harris.

Also present: Administrator Michael Jordan, City Attorney John Kelley, Assistant to Administrator Sarah Jo Chaplen, City Recorder Marilyn Perkett, Police Chief Jerry Giger, Library Director Beth Saul, Parks and Recreation Director Scott Nelson, Assistant Planner Jim Wheeler, Katrina Wiegand, Lee Wiegand, Tim Foster, Caleb Hutchinson, Vernon Hepler, Nan Olson, Roger Reif, Don Peterson, Gary Spanovich, Cam Sivesind and Mike Hewitt.

Mayor Taylor called the session to order at 7:30 p.m., followed by the flag salute and a moment of silence.

Roll call of the Council showed a quorum to be present.

MINUTES OF PREVIOUS SESSIONS: **Councilman Prince moved to approve as distributed the minutes of the following: Workshop Session, October 15, 1995; Regular Meeting, November 1, 1995; and Workshop Session, November 8, 1995. The motion was seconded by Councilwoman Strong and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Roger Reif, representing Canby Telephone Association, addressed the Council regarding concerns of CTA.

Mr. Reif referred to two letters sent by CTA dated October 18th and the recent letter of November 6, 1995. Mr. Reif said he understood that the City would be doing "due diligence" regarding CTA. However, to date CTA has not been contacted and it is the belief of CTA that due diligence means:

1. Can CTA meet the telecommunication needs of the community; and
2. Provide the needs at reasonable rates.

Mr. Reif said CTA had requested a copy of the telecommunity report that was filed, and they have not received one.

Mr. Reif stated that there appears to be a failure to communicate between the City and Canby Telephone Association. He further added that both entities "serve the same community," and CTA is more than eager to start a dialog with the City and share information. Mr. Reif said that CTA is willing to work together with the City in open sessions, workshops or

individually.

Mr. Reif reminded the Council that the current franchise period will soon expire, and nearly a year ago CTA requested to be a competitive access provider, with no response to date. Mr. Reif used the example of a farmer, "If you are a farmer, you don't go out and buy your seed, you don't go out and buy your equipment, if you don't have the land leased." He added that CTA is responsible for monetary commitments and the franchise must be worked out soon to insure the community needs.

Mr. Reif stated that a representative from CTA will attend all of the Council sessions to be sure they are presenting information the Council needs. He added that it is important to resolve these issues.

Mayor Taylor responded by saying the November 6th letter was received by the Council. The Mayor stated that the City has completed phase one of a study on an information utility. He added that CTA has said they could provide those services, if we could tell them what we want. The Mayor said that the City has not said the information utility is a dead issue, only that phase one is complete and no more money would be spent at this time. The Mayor said the intent is to now discuss with CTA what they can provide the City in the future, whether that is a franchise agreement or something else. Mayor Taylor said he is concerned that the citizens of Canby receive the best service available. He added that the City has reviewed various sources to gain information about what kind of questions to ask regarding services and franchises for an information utility.

Roger Reif interjected that CTA can provide a history and documents with necessary information that the Council is seeking. He added that if the Council will communicate with CTA, they can save the City time, effort and money.

Mayor Taylor thanked him for the offer. The Mayor also used the farmer example, "We are also planting seeds that will grow along time." He further added that the City has no desire for a "battle," however, the Council is setting "framework" to serve the City for many years and they want to make sure those services are the very best.

Roger Reif replied, "For every crop, there is seeds, fertilizer and water, and talk with us about the fertilizer and water, that we can get you that good product." He encouraged phone calls to either CTA or himself.

Councilman Prince asked why Mr. Hammond has not supplied the requested report. Mr. Jordan said he did not know.

Councilman Prince suggested that both the City and CTA create a dialog, and stated that the City is "looking at CTA very seriously." He added that he is personally satisfied with a franchise type agreement and is satisfied with current service. He added that he looked forward to working with CTA as a local provider, rather than one outside of the City.

Lee Wiegand, from the First Baptist Church, informed the Council that he had brought some of his students from the First Baptist Church School. He stated that they are prepared to encourage and pray for the Council. The students handed out cards to the Council to fill out and return, regarding special requests in regards to the offer to pray for those needs.

City Planning Director - Administrator Jordan introduced Gary Spanovich, the recently hired City Planning Director. Mr. Spanovich briefly addressed the Council, saying he considered his position as one of "stewardship" for the community.

Mayor Taylor thanked Jim Wheeler for the excellent job he did in the Planning Department during the absence of a Planning Director.

Councilman Prince, liaison to the Planning Commission, said he agreed with the Mayor's comments and said that he appreciated Mr. Wheeler's reports and presentations.

VIDEO - The Council watched a video prepared by the State of Oregon regarding Ballot Measure 11, in regards to juveniles and crimes. The tape relayed the message about the punishment involved with various juvenile crimes.

Soccer - Mayor Taylor announced that the Canby High School Soccer Team would be playing for the State Championship on Saturday night, 8:00 p.m., at the Civic Stadium. They will play Corvallis. The girls soccer title game is at 6:00 p.m., between Tigard and Jesuit.

COMMUNICATIONS: Proclamation - Mayor Taylor proclaimed the month of November as American Free Enterprise Month.

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to pay accounts payable in the amount of \$107,341.64. Motion seconded by Councilwoman Strong and approved by roll call vote, 5-0.

Agreement to Purchase Computer for Adult Center - Nan Olson, Adult Center Director, addressed the Council asking them to authorize an intergovernmental agreement between the City and County to purchase a computer for the Center.

**Councilwoman Stark moved to authorize approval of an Intergovernmental Agreement between Clackamas County, Oregon and The City of Canby, Canby Adult Center, to purchase a computer, not to exceed \$2,000.00. Motion seconded by Councilman Prince and approved 5-0.

ORDINANCES & RESOLUTIONS: Ordinance No. 941 - Attorney Kelley explained that recently Oregon Supreme Court established that only by Legislative action is it permissible for a Police Officer to inventory a vehicle or property of a person. This action is in the form of an ordinance to be adopted by the governing body, the City Council.

****Councilman Daniels moved that Ordinance No. 941, AN ORDINANCE ESTABLISHING THE PURPOSE, PROCESS, LIMITS AND TIMING OF INVENTORIES OF PERSONAL PROPERTY TO BE CONDUCTED BY MEMBERS OF THE CANBY POLICE DEPARTMENT; AND DECLARING AN EMERGENCY be posted and come up for final action on December 6, 1995. Motion seconded by Councilwoman Stark.**

Discussion - Councilman Nolder asked Chief Giger what types of objects are found during such inventories. Chief Giger reported that the officers often find stolen property such as, guns, stereo equipment, and once a safe was found in an automobile trunk. He said this ordinance would not only protect the Police Officer, but the Tow Company as well.

****Motion on Ordinance No. 941, was approved 5-0.**

Ordinance No. 942 - Beth Saul, Library Director, informed the Council that Mike Hewitt from the State of Oregon Purchasing Division was present, and he had been involved with the bid process on the HVAC system for the library using the state bid process.

Mr. Hewitt stated that nine bids received and the low bid was local, Roth's Heating.

Councilman Daniels asked if the entire system would be replaced. Mrs. Saul said the entire system would be replaced and they would be switching to gas.

Councilwoman Strong asked if funds were available. Mrs. Saul stated that this proposal had been budgeted.

****Councilman Prince moved that Ordinance No. 942, AN ORDINANCE AUTHORIZING THE PURCHASE OF HEATING VENTILATING AND AIR CONDITIONING (HVAC) EQUIPMENT FROM ROTH HEATING THROUGH THE STATE OF OREGON PURCHASING DIVISION; AND DECLARING AN EMERGENCY be posted and come up for final action on December 6, 1995. Motion seconded by Councilwoman Stark and approved 5-0.**

Resolution No. 596 - Jim Wheeler explained that this resolution included the recommendations from the Planning Commission and City Council for denial of the Deininger Farms Property east of Trost School.

****Councilman Nolder moved to adopt Resolution No. 596, A RESOLUTION RECOMMENDING TO THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION DENIAL OF THE ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF THE DEININGER FARMS PROPERTY), OF TAX LOTS 900, 1100, 1200 OF TAX MAP 4-1E-3, LOCATED ON THE SOUTH SIDE OF S.E. TOWNSHIP ROAD BETWEEN THE MOLALLA FOREST ROAD ON THE EAST AND TROST ELEMENTARY SCHOOL ON THE WEST. Motion seconded by Councilman Prince and approved 4-1, with Councilwoman**

Stark voting nay.

UNFINISHED BUSINESS: None reported.

MANGER'S REPORT: Administrator Jordan reported the following:

- * the recent County Gas Tax election results in the five City of Canby precincts were 67% - No, and 33% - Yes. This is a slightly higher negative vote than the overall County vote.
- * the Downtown Revitalization Group made a presentation at the Chamber lunch last week and will meet Thursday, November 16th to discuss financing.
- * staff members and the budget chairman are meeting to discuss overall goals for the City and how to streamline the budget process.
- * the County Home Rule Charter Committee met in the City Council Chambers on Tuesday evening; and Mike will be attending a meeting scheduled for Wilsonville at 7:30 p.m. on Thursday evening, November 16.
- * the METRO Mangers group has resumed meetings again last week and one of the things handed out was a timeline for the adoption of the 2040 Plan. He added that in regards to the population concepts for the year 2015, the 2040 Plan very closely matches those in the City's Comprehensive Plan.
- * the monthly Clackamas Cities Meeting will be held on November 30th, with Milwaukie hosting it at the Fernwood Inn.
- * the Council has received an invitation to attend a noon lunch at the Lloyd Center Red Lion Inn on November 30th regarding "tobacco awareness", with Dr. Allen Blum as the speaker.
- * the League of Oregon Cities Conference was held in Eugene last week-end. Mr. Jordan stated that it was a very good session. He noted that one session he attended was in regards to utility deregulation and another on Council/Manger relationships.
- * Mr. Jordan has been appointed to the League of Oregon Cities Board of Directors.

COUNCILORS' ISSUES: Councilman Daniels reported that he was the only person in attendance at the County Home Rule Charter meeting on Tuesday evening. He noted that these meetings presented an opportunity for citizens to express their concerns or wishes regarding the County government structure.

Councilman Nolder informed the Council that he is still pursuing the possibility of a

DEQ testing site in Canby.

Councilman Prince expressed concern about the relationship between the City and Canby Telephone and suggested that the management levels hold a meeting within the week. He noted that the City had already contacted the PUC and know what information is needed from CTA, so a dialogue can be initiated.

Mayor Taylor noted that he felt the overall dialogue concept is valuable and felt the Council agreed with that concept.

Councilwoman Stark thanked the Mayor for providing the video for the evening, she stated that parents should be aware of the Measure 11 consequences for the youth.

Mrs. Stark said she was supportive of the Soccer Team that would be participating in State Championships, however, she reminded everyone that there are many students involved in several outstanding high school athletics, football, girls volleyball, girls soccer and cross country.

Councilman Daniels commented that the high school has a Kiwanis Youth Program called the Key Club, which is very active in the community and helpful to many people. The students gathered food for the Christmas baskets, and recently helped an elderly lady clean up around her home.

OTHER REPORTS OR ANNOUNCEMENTS: Blue Heron Report - Scott Nelson reported that recreational programs play a valuable role on how successful athletic programs are in developing youth into productive community members.

Mr. Nelson stated that the Blue Heron Recreational Group will be sending a survey to the Councilors to clarify concerns that were developed at the last workshop and then develop solutions to those concerns.

Mr. Nelson handed out a report about current and existing park conditions in the City, as well as the Parks Master Plan.

The Blue Heron Task Force requested a workshop session with the Council on December 6th to present solutions to concerns that the Council expressed on their proposal. Also, a presentation has been scheduled for that time.

Mayor Taylor stated that the Council has scheduled something else for the December 6th meeting, and he indicated that a presentation would not be necessary. The Mayor suggested that a sub-committee meet with the Blue Heron Task Force to settle some critical issues in their proposal. The sub-committee will consist of Mayor Taylor, Councilor Prince and Councilor Nolder.

Mr. Nelson added that the report he handed out should surface some important issues.

ACTION REVIEW: 1. Enter into an Intergovernmental Agreement with the County to purchase a computer for the Adult Center.
2. Post Ordinance's 941 and 942, prior to second reading.
3. Forward Resolution 596, to PMBALBC to recommend denial of the Deininger annexation.
4. Schedule a time to converse with CTA in the coming week.
5. Schedule Blue Heron Task Force and City sub-committee meeting.

****Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(f), to consider records exempt from public inspection; and (1)(i), regarding the performance of an employee. Motion seconded by Councilman Daniels and approved 5-0.**

Mayor Taylor recessed the regular session at 8:50 p.m. to go into Executive Session. The regular session was reconvened at 10:15 p.m.

Councilman Prince commented that another County Home Rule Charter meeting was scheduled for November 30th at the Canby Utility Board. Administrator Jordan stated that there have been several of these meetings scheduled and the committee will soon start drafting their proposal.

****Councilwoman Stark moved to authorize an "out of class" compensation pay to Jim Wheeler for the fifteen (15) weeks he spent taking Planning Director duties, at \$100.00 per week. Seconded by Councilman Nolder and approved 5-0.**

Mayor Taylor adjourned the session at 10:25 p.m.

EXECUTIVE SESSION
NOVEMBER 15, 1995

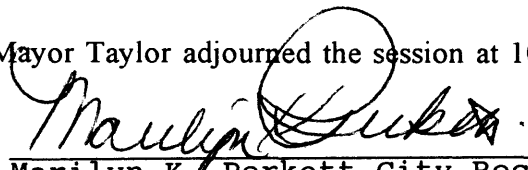
Present: Mayor Taylor, Councilors Strong, Daniels, Stark, Prince and Nolder, Administrator Jordan, Sarah Jo Chaplen, Cam Sivesind and Jack Hammond.

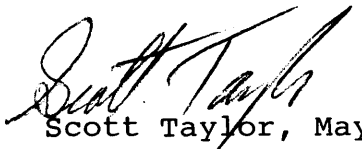
Mayor Taylor called the session to order at 9:00 p.m. in the CUB conference room.

ORS 192.660 (1)(i) - The Council discussed the employment performance of Jim Wheeler.

ORS 192.660 (1)(f) - Attorney Hammond reported on the telecommunity project.

Mayor Taylor adjourned the session at 10:10 p.m.


Marilyn K. Perkett City Recorder


Scott Taylor, Mayor